

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
BIG STONE GAP DIVISION

MELINDA SCOTT,)
)
Plaintiff,)
)
v.) Case No. 2:17CV6
)
WISE COUNTY DEPARTMENT OF)
SOCIAL SERVICES, et al.,)
)
Defendants.)

MOTION TO QUASH SERVICE

Defendant City of Norton Department of Social Services, by counsel, moves to quash service or process upon it in this action and in support thereof states as follows:

1. The record in this case shows that the plaintiff attempted to serve the complaint on April 14, 2017.

2. Federal Rule of Civil Procedure 4:c(2) states “any person who is at least 18 years old and *not a party* may serve a summons and complaint.” (Emphasis added). Melinda Scott is a party, so she cannot properly serve the defendant under the Rule. Accordingly, service should be quashed.

WHEREFORE, City of Norton Department of Social Services respectfully moves the Court to quash service of process upon it and for such other relief as the Court may deem appropriate.

CITY OF NORTON DEPARTMENT
OF SOCIAL SERVICES

By Counsel

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By /s/ W. Bradford Stallard
W. Bradford Stallard

CERTIFICATE OF SERVICE

I hereby certify that on May 16, 2017, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, and I certify that I have mailed by United States Postal Service the document to the following non-CM/ECF participants:
Melinda Scott, P.O. Box 1133-2014PMB87, Richmond, VA 23218, pro se plaintiff.

/s/ W. Bradford Stallard
W. Bradford Stallard